

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
May 23, 2004
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:52 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: James Bransky, General Counsel

Staff Present: Albert Colby, Jr., Michele LaCount, Valerie Tweedie, Mel Kiogima II, Bernadece Compo, Cathy Gibson, Doug Craven, Andrew Stich, Heidi Yaple, Marcia Sutton, Barry Laughlin, Barry Crowell, Angie Woodin, Bryan Gillett, Shirley Oldman

Guests: John Keshick III, Carol McFall, Anthony Bear, Genevieve Bear, Cassie Gibson, Maureen Kilpatrick, Judy Pierzynowski, Catherine Laba, Sheran Patton

Opening Ceremony: Alice Yellowbank

Presentation made from the Youth Tournament Basketball - trophies to Tribal Council.

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to adopt the agenda for May 23, 2004, in honor of the Water Walkers to raise awareness about the importance of keeping our water clean. They are Ogitchidaa (Warriors of the Heart) women walking strong for the people of yesterday, today, and for all generations of tomorrow.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the minutes of May 2, 2004 as corrected.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

10:17 a.m. recess called

10:19 a.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley to accept the verbal and written Treasurer's report as presented by Valerie Tweedie, our Chief Financial Officer for May 23, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to approve the Policy for Receipt of Funds and Program Revenue, Policy number 05-2004-02.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt resolution # 052304-01 National City Bank Opening of Bell's Fishery Bank Account.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley to approve the budget for the Health Department 3rd party revenues number FY 2004 1901-9-01 for \$52,589 to come from the expected revenues from insurance billing.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the Tribal Administrator's report for May 23, 2004, as presented, verbal and written.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to direct the Tribal Administrator to develop policies and procedures for the handling of letters of support from outside agencies or other contacts, to be addressed in the Personnel Policies.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to direct the Tribal Administrator to form a working group to develop draft policies and procedures for enterprises (excluding the hotel and casino) purchased by the Tribe. Furthermore, identify a standard practice of conducting business conducive to present governmental operations.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:23 a.m. recess called

11:31 a.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to direct the Education Director to implement the Michelle Chingwa Education Assistance Act with the following interpretations of the Act: direct payment to the student shall mean a payment to the student's account at the school the student is enrolled, students who have completed their application sixty days prior to the beginning of their school start date shall have their first installment sent to their school account prior to their start date while others shall be processed as they arrive, in no case shall it take more than sixty days to process a complete scholarship application. Total Cost of Attendance shall be obtained from each institution and adjusted as follows for undergraduate students: The institutions fulltime Total Cost of Attendance shall be multiplied by 25 % for students taking less than 5 equivalent semester hours, by 50% for students taking 5 or more and less than 11 equivalent semester hours, by 100% for students taking 11 or more equivalent semester hours. Students who withdraw from classes will have their Total Cost of Attendance adjusted to the appropriate level for the second installment. Additionally the Education Director shall develop procedures for implementation of the Michelle Chingwa Education Assistance Act to be approved by the Education Commission and reviewed by Tribal Council.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet) 0 Absent, 0 Abstained

Motion Carried

11:47 a.m. Public Comment opened: Catherine Laba, Carol McFall, Alice Yellowbank, Andrew Stich, Maureen Kilpatrick

11:53 a.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Tribal Chairman's written and verbal report for May 23, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

12:05 p.m. lunch recess called until 1:30 p.m.

1:47 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize any Tribal Council member wishing to attend the Falmouth Institute training with Gaming Regulatory scheduled for July 2004, to be paid stipend, mileage, per diem, and lodging. Further to pay the initial training fee from the Commissions, Boards, and Committees Training line item.

Vote: 6 Yes, 1 No (Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to authorize any Tribal Council Member wishing to attend the Native Nations procession at the Smithsonian Institute of American Indians in September 2004, to be paid stipend, mileage, per diem and lodging.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the verbal and written report by the Legal Department as presented by James Branksy, May 23, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to modify the motion on 5/2/2004 "to cease making the gaming compact 8% payments to the State of Michigan upon the signing into law of the Racino Bill if it authorizes the use of Video Lottery Terminals and establish a fund to hold a like amount in escrow until the Tribe determines how to legally distribute these funds." to read "to cease making the gaming compact 8% payments to the State of Michigan upon the actual operation of video lottery terminals authorized by the Racino Bill and continue to assess the casino the 8% payment as a Tribal fee and establish a fund to hold this in a separate fund until the Tribe determines how to distribute these funds.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., that we enter into a legislative service contract with Lydia A. Hofer to be executed with a start date of July 1st 2004 and end date July 1st 2006.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley that we enter into a contract for the manager of Bell's Fishery located in Mackinaw City, Donald R. Bell as the Independent Contractor and authorize the Tribal Chairman to sign.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
Motion Carried

3:08 p.m. Recess called

3:22 p.m. Meeting reconvened

4:05 p.m. Public Comment: John Keshick

4:06 p.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Gaming Administration's written report for May 23, 2004 as presented by Chairperson Sherry Patton.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to establish a capitol project fund for the purpose of expanding parking at Victories Casino with an initial funding of \$60,000 to come from Victories 50% share of retained earnings and further authorize the Chairman to sign contracts and documents necessary to expand the parking.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

4:39 p.m. Recess called

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to commend the Gaming Administration for adopting the Tribal Member Career Development Policy, the policy is designed to help Tribal Members obtain advancement in the casino's organization.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank effective July 7, 2004, to move the oversight of the Gaming Regulatory Commission staff under the Gaming Regulatory Commission as stated in Waganakising Odawak Statute 2001-02 whereby it states that the Gaming Regulatory Commission shall employ such staff. The Gaming Regulatory Commission department is directed to continue to use the accounting and payroll services of the Tribal Government to ensure the continued operation of the Gaming Regulatory Department. Additionally as government employees the Regulatory Department is hereby directed to continue to use the following Tribal government services, Human Resources, Benefits, Purchasing/Requisition, MIS, Travel and Legal. The use of these services will require compliance with established and approved policies and procedures drafted and approved by the respective Tribal government departments whose services are being used. Budget request and approvals from the Regulatory Department will go directly through the Accounting Department with final approval by Tribal Council. The Tribe's employee handbook will apply except in circumstances wherein such compliance would impede the mission of regulatory. The Tribal Administrator will no longer have oversight of the Regulatory Department or staff.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to approve a budget proposal for \$5,200.00 for the Historic Trauma Conference-Children are Sacred. Funding to come from prior year funds.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet) 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve the Natural Resource Commission Policy for Changing Rules and Regulations.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to approve Burial Request A0074 for \$3,445.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve Burial Request A0075 in the amount of \$4,131.36.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to put the Waganakising Odawak Statute Conservation and Cultural Preservation Easement Act on the legislative calendar.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Bentley and supported by Councilor Fred Harrington, Jr., to adopt Resolution #052304-02 Execution of Deed and Escrow of Taxes for "Borowy" Parcel.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Bentley-yes

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to adopt Resolution #052304-03 Execution of Deed and Escrow of Taxes for "Kings Inn" Parcel.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #052304-04 Execution of Deed and Escrow of Taxes for "Biindigen Parcel 1".

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to adopt Resolution #052304-05 Execution of Deed and Escrow of Taxes for "Biindigen Parcel 2".

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to adopt Resolution #052304-06 Execution of Deed and Escrow of Taxes for "1345 US 31 N Parcel".

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

=Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt resolution #052304-07 Bureau of Indian Affairs Right-of-away at Odawa Circle Drive.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #052304-08 Limited Waiver of Sovereign Immunity for Purchasing Land.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

5:44 p.m. Councilor Rita Shananaquet leaves

5:46 p.m. Councilor Rita Shananaquet returns

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to adopt Resolution #052304-09 Request for Funding from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, Center for Substance Abuse Treatment, for a FY 2004 Child and Adolescent Mental Health and Substance Abuse State Infrastructure Grant.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes,

Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #052304-10 ITC Application for *Access To Recovery Grant* From the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #052304-11 Conservation Resource Alliance Application for Conservation Innovation Grant.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes
Motion Carried

6:05 p.m. Councilor Rita Shananaquet leaves

Motion made by Councilor Fred Harrington, Jr., and supported by Regina Gasco Bentley to adopt Resolution #052304-12 Request for Funding from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, United States Department of Justice, fiscal year 2004 Tribal Youth Program

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes
Motion Carried

6:15 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to go into executive session for land #9.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

6:44 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Regina Gasco Bentley to return to open session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to authorize the Legal Department to investigate the property description and to negotiate terms for the purchase of land parcel #9.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

6:47 p.m. Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to adjourn.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 9 Abstained

Motion carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date